

SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT  
PROCEDURES 333, Intercountry Adoption Services  
May 31, 1985

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Section 333.1 Purpose

The procedures relate only to foreign-born orphans to be adopted through the Immigration and Naturalization Services (INS) I-600 petition process.

Section 333.2 Definitions

"Agent" means the individual, usually an attorney, whom the prospective adoptive parents have authorized to act on their behalf to locate an orphan and obtain required child documentation.

"Foreign-born children" means children who are born outside the United States and its territories, who are not U.S. citizens, who are not residents of the United States, and who are orphans in accordance with Immigration and Naturalization Service (INS) requirements.

"Foreign child placing source" means the agency or individual that places children for adoption with families in the United States. The foreign child placing source may place these children directly or through U.S. based international agencies.

Section 333.3 Authorization of Foreign Child Placing Agencies/Agents

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- C) If the materials are not submitted in English or accompanied by an English translation which is certified as true and correct, the Intercountry Adoption Coordinator shall return them with an explanation that only English materials or a certified English translation is acceptable.

==b)

==c)

d) Misrepresentation of a Child

Where there is incomplete or inaccurate documentation or possible misrepresentation of the child, the Intercountry Adoption Coordinator shall contact the placing source to clarify the Illinois pre-adoptive requirements and to determine whether the adoption can be completed if corrective measures are taken.

If the case indicates that there was a willful misrepresentation of the child, the Intercountry Adoption Coordinator shall initiate an inquiry into the matter. If licensing standards may have been violated, the Intercountry Adoption Coordinator shall notify the appropriate licensing authority of the possible violation and shall provide the authority with all pertinent information so that a licensing investigation may be initiated.

### Section 333.4 Illinois Pre-Adoptive Requirements

a) Adoptions to Be Finalized in the United States

No foreign-born child can legally enter the U.S. for purposes of adoption in Illinois without a visa issued by the U.S. Department of State through the U.S. Embassy/Consul in the foreign country. No visa will be issued without prior notice and approval of:

- o the Immigration and Naturalization Service (INS) of the U.S. Department of Justice, and
- o the DCFS Intercountry Adoption Coordinator.

Prior notice and approval of the Immigration and Naturalization Service is obtained

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through the I-600 petition process. The prospective adoptive family is responsible for providing to INS all documentation necessary to support an I-600 petition and English translations of any documentation. The prospective adoptive family shall provide the Intercountry Adoption Coordinator with a photocopy of all child documents submitted to INS and their translations.

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- 4) The agency or the prospective adoptive family shall notify the Intercountry Adoption Coordinator of the family's provider number and the valid dates of the Illinois foster family home license.
- 5) All home studies (not licensing studies) of prospective adoptive families for an intercountry adoption must be completed in either a format prescribed by the foreign child placing source or a format available from the Intercountry Adoption Coordinator. The home study shall be submitted to the Intercountry Adoption Coordinator immediately upon its completion even if a foster family home licensing study has not been completed. The Intercountry Adoption Coordinator will contact the agency to discuss any critical areas of omission, lack of detail, or need for further clarification. This provides time for the agency to address any issues without deterring the adoptive process.
- 6) The Intercountry Adoption Coordinator shall send the prospective adoptive family a letter notifying them that the circumstances of their adoption requires a \$5000 bond.
- 7) The Intercountry Adoption Coordinator shall recommend that, when possible, agencies located in non-compact states (currently New Jersey, Nevada, and Hawaii, plus the District of Columbia) sign a blanket statement accepting full financial responsibility for all placements. Agencies in Compact states or any agency which signed a blanket statement accepting full financial responsibility is liable for all costs incurred as the result of a disrupted adoptive placement. The agency's liability continues until the child is returned to his home country or another adoptive resource is identified and the adoption finalized.

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### b) Adoptions Finalized Abroad

When an adoption is finalized abroad, Illinois intercountry pre-adoption requirements do not apply. However, the Immigration and Naturalization Service requirements must be met before a visa may be issued. These requirements include

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an adoptive home study approved by the Intercountry Adoption Coordinator.

### ==Section 333.5 Guardianship

### Section 333.6 Pre-Placement, Home Study and Post-Placement Services

#### a) Coordination of Intercountry Adoption Services

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- 3) Copies of the notification sent to INS shall be mailed to the family and the agency providing foreign adoptive services.

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- 5) Upon notification of an adoption disruption, the Intercountry Adoption Coordinator shall contact immediately the foreign child placing agency to assist them and the Illinois agency providing intercountry adoption services in meeting the immediate needs of the child. The Intercountry Adoption Coordinator shall inform the Interstate Compact Office of the adoption disruption if the foreign child placing agency is located in a compact state.
- 6) The Intercountry Adoption Coordinator shall ask annually the Illinois home study/supervising agency to report the progress toward adoption finalization. If the adoption has been finalized, the agency shall submit to the Intercountry Adoption Coordinator dated judgments of adoption.

The Intercountry Adoption Coordinator shall inform the Immigration and Naturalization Service of all Illinois intercountry adoptive placements which have not made reasonable progress toward adoption finalization within one year of the child's placement with the Illinois adoptive family. Such notice shall include an explanation of any extenuating circumstances or reasons the adoption has not been finalized.

#### b) Validation of Adoptive Home Studies

If no child has been placed with the prospective adoptive parents within one year of completion of the adoptive home study, the agency must re-affirm that the home study is accurate or, when there has been a significant change in the circumstances of the prospective adoptive family, the agency shall update the home study.

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